



## **Standing Committee on Oversight of Government Operations and Public Accounts**

### ***Report on the Review of the 2021 Report of the Auditor General of Canada to the Legislative Assembly of Nunavut: Follow-up Audit on Corrections in Nunavut***

**2<sup>nd</sup> Session of the 6<sup>th</sup> Legislative Assembly of Nunavut  
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## Introduction

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The Standing Committee on Oversight of Government Operations and Public Accounts held a televised hearing on the *2021 Report of the Auditor General of Canada to the Legislative Assembly of Nunavut: Follow-up Audit on Corrections in Nunavut* from April 26-27, 2022.

The Standing Committee on Oversight of Government Operations and Public Accounts held a televised hearing on this report from April 26-27, 2022. The standing committee's hearing was held in the Chamber of the Legislative Assembly and was televised live across the territory. The hearing was open to the public and news media to observe from the Visitors' Gallery, and was livestreamed on the Legislative Assembly's website. The transcripts from the standing committee's hearing are available from the Legislative Assembly's website.

Witnesses appearing before the standing committee included the Deputy Auditor General of Canada and senior officials of the Government of Nunavut's Department of Justice. The standing committee notes its appreciation to the witnesses

# Observations and Recommendations

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**Issue: Government of Nunavut Action Plan**

The *2021 Report of the Auditor General of Canada to the Legislative Assembly of Nunavut: Follow-up Audit on Corrections in Nunavut* contained a total of nine specific recommendations. The Department of Justice formally agree with all nine of the recommendations.

The report also included the department's "updated 2021 responses" to a "list of recommendations outstanding from 2015."

**Standing Committee Recommendation #1:**

**The standing committee recommends** that the Government of Nunavut's response to this report include a detailed action plan that outlines the specific timelines for the department's implementation of its responses to each of the Auditor General's nine recommendations.

**The standing committee further recommends** that the Government of Nunavut's response to this report include a detailed update on the status of the implementation of its "updated 2021 responses to recommendations outstanding from 2015."

**Issue: Commitments to Provide Information**

During the televised hearing, witnesses from the Department of Justice made a number of commitments to provide additional information to the standing committee.

**Standing Committee Recommendation #2:**

**The standing committee recommends** that the Government of Nunavut's response to this report include the information items that were committed to during the televised hearing of April 26-27, 2022.

**Issue: Outstanding Annual Reports**

The department's 2017-2018 annual report for the corrections division was tabled in the Legislative Assembly on November 6, 2019. The 2018-2019, 2019-2020, 2020-2021 and 2021-2022 annual reports have not yet been tabled.

The standing committee notes that the new territorial *Corrections Act*, which is not yet in force, provides that:

Annual report

70. (1) Within six months after the end of each fiscal year, the Director shall submit to the Minister an annual report consisting of a general summary of the activities of the Corrections Division during the fiscal year.

**Standing Committee Recommendation #3:**

**The standing committee recommends** that the Government of Nunavut's response to this report include copies of its 2018-2019, 2019-2020, 2020-2021 and 2021-2022 annual reports for the corrections division.

**Issue: Violence in Correctional Facilities**

Significant discussion took place during the standing committee’s televised hearing concerning the issue of violence in correctional facilities.

During the televised hearing, witnesses from the Department of Justice indicated that there were approximately “213 violent incidents in this past year” in territorial correctional centres and youth custody facilities. Witnesses also indicated that the department has been “working with the Public Prosecution Service of Canada to ensure that if a client assaults a staff, that that assault is met with charges and with the possibility of extended time because we want our staff to feel safe and there does need to be repercussions for incidents against staff.”

**Standing Committee Recommendation #4:**

**The standing committee recommends** that the Government of Nunavut’s response to this report provide a detailed breakdown of the number and severity of violent incidents occurring in territorial correctional facilities during the 2019-2020, 2020-2021 and 2021-2022 fiscal years.

**The standing committee further recommends** that the Government of Nunavut’s response to this report provide a detailed breakdown of the disposition of charges laid in relation to violent incidents occurring in territorial correctional facilities during the 2019-2020, 2020-2021 and 2021-2022 fiscal years.

**The standing committee further recommends** that the Government of Nunavut’s response to this report provide a detailed update on the status of the Department of Justice’s initiatives to reduce violence in territorial correctional facilities.

**Issue:            Recidivism Rates**

Significant discussion took place during the standing committee’s televised hearing concerning the issue of recidivism rates.

In its response to Written Question 9-5(2), the Department of Justice indicated that “Nunavut Corrections does not currently have a measure for tracking recidivism. However, the Department of Justice is currently working on options to define an appropriate measure for recidivism in Nunavut and to track it going forward.”

The 2017-2018 annual report of the department’s corrections division indicated that “recidivism will be defined as a return to territorial correctional supervision on a new conviction within two years of completing.” The report also indicates that “corrections does have an electronic system that tracks all numbers related to recidivism rates ... in 2018-2019, the division will engage appropriate resources to undertake a project related to recidivism in the territory.”

**Standing Committee Recommendation #5:**

**The standing committee recommends** that the Government of Nunavut’s response to this report provide a detailed breakdown of recidivism rates for male adult offenders, female adult offenders, male young offenders and female young offenders for the 2019-2020, 2020-2021 and 2021-2022 fiscal years.

**Issue:            Rehabilitation Programming and Mental Health Services**

Significant discussion took place during the standing committee's televised hearing concerning the issue of rehabilitation programming and mental health services at territorial correctional facilities.

**Standing Committee Recommendation #6:**

**The standing committee recommends** that the Government of Nunavut's response to this report provide a detailed update on what rehabilitation programming and mental health services are currently being offered to offenders at correctional centres and youth custody facilities.

**The standing committee further recommends** that the Government of Nunavut's response to this report provide a detailed breakdown of departmental expenditures on rehabilitation programming and mental health services for offenders during the 2019-2020, 2020-2021 and 2021-2022 fiscal years.

**The standing committee further recommends** that the Government of Nunavut's response to this report clarify, in detail, the role of Elders in the department's rehabilitation programming.

**The standing committee further recommends** that the Government of Nunavut's response to this report clarify, in detail, the status of its work to enter into a bilateral agreement with the federal Correctional Service of Canada to develop and deliver rehabilitation programming to offenders in territorial custody.



**Issue: Correctional Land Camps and Programming**

Significant discussion took place during the standing committee's televised hearing concerning the issue of on-the-land correctional programming.

The *Correctional Centres Continuation and Establishment Order* and the *Youth Justice Places Designation Order* made under the *Corrections Act* were published in Part II of the February 2013 edition of the *Nunavut Gazette*. The Orders designated five "bush camps" to serve as correctional centres and youth custody facilities.

**Standing Committee Recommendation #7:**

**The standing committee recommends** that the Government of Nunavut's response to this report provide a detailed update on the operations and programming of the five designated "bush camps" (within the meaning of the *Correctional Centres Continuation and Establishment Order* and the *Youth Justice Places Designation Order* made under the *Corrections Act*) during the 2019-2020, 2020-2021 and 2021-2022 fiscal years.

**Issue: Staffing and Training**

Significant discussion took place during the standing committee's televised hearing concerning the issue of staffing and training for employees of the corrections division of the Department of Justice.

The standing committee notes that the Department of Justice has recently initiated a number of job competitions for various positions, including correctional caseworkers, an Institutional Instructor and an Admissions and Discharge Officer. The standing committee notes that the Department of Justice has recently concluded a Request for Proposals process in respect to the "Development and Delivery of Corrections Leadership and Frontline Officer Training" and awarded Standing Offer Agreements to three entities: Boss Tactical Group, CircleNorth Training and the Justice Institute of British Columbia.

**Standing Committee Recommendation #8:**

**The standing committee recommends** that the Government of Nunavut's response to this report provide a detailed listing of all positions in the corrections branch of the Department of Justice, and that this listing indicate which positions are currently filled by indeterminate, term and casual employees. The standing committee further recommends that this listing indicate the beneficiary status and gender of each employee.

**The standing committee further recommends** that the Government of Nunavut's response to this report provide a detailed update on what training courses and programs are currently being offered to employees at territorial correctional centres and youth custody facilities.

**Issue:           *Corrections Act***

A new territorial *Corrections Act* was passed by the previous Legislative Assembly and received Assent on June 6, 2019. The Act has not yet come into force. Paragraph 61 of the Auditor General's report indicates that departmental officials stated that "once the Act comes into force, regulations, directives, and standing orders will be developed to formalize the department's revised approach to segregation."

**Standing Committee Recommendation #9:**

**The standing committee recommends** that the Government of Nunavut's response to this report provide a detailed timeline for the coming into force of the new *Corrections Act* and the development of new regulations under the Act.

**Issue: Chief Investigator**

Section 39 of the new *Corrections Act* establishes a new position called the Investigations Officer. This is an independent office-holder whose main role is to ensure that decisions made by corrections staff are following appropriate guidelines under the appropriate legislation. In July of 2021, the department issued a Request for Proposals to fill the position. The Request for Proposals closed a few weeks later. On March 9, 2022, the government published information indicating that the Request for Proposals had been cancelled.

During the standing committee's televised hearing, witnesses from the Department of Justice indicated that "We agree that it's a vital position. In particular we need it to bring the *Corrections Act* into force. The position is not staffed. The Request for Proposals was unsuccessful. However, we have worked to revise the Request for Proposals in the hopes that we will be more successful and that we have sent all the necessary documentation to Community and Government Services to get that Request for Proposals published as soon as we can."

**Standing Committee Recommendation #10:**

**The standing committee recommends** that the Government of Nunavut's response to this report include a copy of its revised Request for Proposals in respect to the appointment of the Investigations Officer under section 39 of the *Corrections Act*.